



The City of Morgantown

389 Spruce Street
Morgantown, West Virginia 26505
(304) 284-7439 Fax: (304) 284-7525
www.morgantownwv.gov

Office of the City Clerk

AGENDA MORGANTOWN CITY COUNCIL REGULAR MEETING

September 15, 2020
7:00 p.m.

To protect public health during the COVID-19 pandemic, personal attendance at the meeting will not be permitted. When it is time, the public may participate in the public portion by videoconference at the following link: <https://cityofmorgantown.my.webex.com/meet/cityofmorgantown> with meeting number (access code) 793 734 477, or by calling in at the following number 408-418-9388 and using the access code 793 734 477. All members of the public may view the meeting on Channel 15 and by streaming hosted on the City's website at www.morgantownwv.gov. If you do not wish to speak at the meeting, please view it by these methods to conserve capacity on the videoconference. Any person who wishes to speak at the meeting must complete the form at <http://morgantownwv.gov/FormCenter/Public-Comment-Sign-Up-Sheet-14/Public-Comment-Morgantown-City-Council-M-96> or provide their name, phone number they will use to participate, and the topic on which they would like to speak by texting 304-288-0847 or texting 304-288-7072. Individuals may sign up to speak at any time until the meeting begins. The public may submit written comments concerning items on the agenda or other topics they wish to speak on by sending an email to the City Clerk at cwade@morgantownwv.gov. Individuals have until 30 minutes prior to the start of the meeting to submit written comments. Written comments will be shared with City Council via email as they are received. Written comments will not be read aloud during the public portion, however, Council members may choose to speak about comments received during the Correspondence portion of the meeting.

1. **CALL TO ORDER:**

2. **ROLL CALL:**

3. **PLEDGE:**

4. **APPROVAL OF MINUTES:** September 1, 2020, Special Meeting minutes; September 1, 2020, Regular Meeting minutes.

5. **CORRESPONDENCE:**

A. Constitution Week Proclamation

6. **PUBLIC HEARINGS:**

A. **AN ORDINANCE AMENDING THE FY 2020-2021 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND**

- B. AN ORDINANCE ANNEXING PROPERTY OF THE MONONGALIA COUNTY BOARD OF EDUCATION IN MORGAN DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN
- C. AN ORDINANCE ANNEXING PROPERTY OF MORGANTOWN COMMUNITY RESOURCES, INC. IN CLINTON DISTRICT INTO THE CORPORATE BOUDARIES OF THE CITY OF MORGANTOWN

7. **UNFINISHED BUSINESS:**

- A. **BOARDS & COMMISSIONS:**

8. **PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION:**

9. **SPECIAL COMMITTEE REPORTS:**

- A. **COMMUNITY POLICING & CITIZENS REVIEW BOARD – Councilor Cruze, Chair; Deputy Mayor Fetty, Vice-Chair**
- B. **SPECIAL COMMITTEE ON UNSHELTERED HOMELESSNESS – Mayor Dulaney, Chair; Councilor Cruze, Vice-Chair; Deputy Mayor Fetty, Member; Councilor Selin, Member; and Councilor Harshbarger, Member.**

10. **CONSENT AGENDA:** *Reminder: Matters on the Consent Agenda are voted on collectively without any debate. If any member objects, an item is removed and considered under New Business.*

- A. Consideration of (SECOND READING) of AN ORDINANCE AMENDING THE FY 2020-2021 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND
- B. Consideration of (SECOND READING) of AN ORDINANCE ANNEXING PROPERTY OF THE MONONGALIA COUNTY BOARD OF EDUCATION IN MORGAN DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN
- C. Consideration of (SECOND READING) of AN ORDINANCE ANNEXING PROPERTY OF MORGANTOWN COMMUNITY RESOURCES, INC. IN CLINTON DISTRICT INTO THE CORPORATE BOUDARIES OF THE CITY OF MORGANTOWN

11. **NEW BUSINESS:**

- A. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE
- B. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE AMENDING ARTICLE 169 AUTHORIZING ACQUISITION OF REAL ESTATE BY THE CITY'S UTILITY BOARD

12. CITY MANAGER’S REPORT:

Information:

A. 2020 Census Update

New Business:

A. Trick-or-Treating during the COVID Pandemic

13. REPORT FROM CITY CLERK:

14. REPORT FROM CITY ATTORNEY:

15. REPORT FROM COUNCIL MEMBERS:

16. EXECUTIVE SESSION:

A. Pursuant to West Virginia Code Section 6-9A-4 (2) (B) (12) to discuss potential or pending litigation

17. ADJOURNMENT:

***For accommodations, please contact us at 304-288-7072.**

AN ORDINANCE AMENDING THE FY 2020-2021 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

The City of Morgantown hereby ordains:

That the FY 2020-2021 Annual Budget of the General Fund of the City of Morgantown is amended as shown in the revised budget (Revision 03) attached hereto and made a part of this ordinance.

First Reading:

Adopted:

Mayor

Filed:

Recorded:

City Clerk

Ora Ash, Deputy State Auditor
 West Virginia State Auditor's Office
 153 West Main Street, Suite C
 Clarksburg, WV 26301
 Phone: 627-2415 ext. 5114
 Fax: 627-2417

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER
 Fiscal Year: **2020-2021**
 Ending: **General**
 Fund: **General**
 Revision Number: **3**
 Pages: **1 of 1**

City of Morgantown
 GOVERNMENT ENTITY

389 Spruce Street
 STREET OR PO BOX

Municipality
 Government Type

Person To Contact Regarding Request:

Name: **James M. Goff**

Phone: **304-284-7407**

Fax: **304-284-7418**

Morgantown
 CITY

26508
 ZIP CODE

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
305	Business and Occupation Tax	15,256,000		695,000	14,561,000
326	Building Permit Fees	200,000		50,000	150,000
341	Municipal Service Fees	4,140,000		140,000	4,000,000
365	Federal Government Grants	395,900	3,560,000		3,955,900
	#N/A				
	#N/A				
NET INCREASE/(DECREASE) Revenues (ALL PAGES)			2,675,000		

Explanation for Account # 378, Municipal Specific:
Explanation for Account # 369, Contributions from Other Funds:

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
444	Contributions / Transfers to Other Funds	4,377,729	2,314,819		6,692,548
699	Contingencies*	3,513,373	360,181		3,873,554
	#N/A				
NET INCREASE/(DECREASE) Expenditures			2,675,000		

APPROVED BY THE STATE AUDITOR
 BY: _____ Date _____
 Deputy State Auditor, Local Government Services Division

AUTHORIZED SIGNATURE
 OF ENTITY

APPROVAL
 DATE

CITY OF MORGANTOWN					
GENERAL FUND - REVISION 3					
FY 2020-2021					
ACCT		BUDGET	PROPOSED	PROPOSED	EXPLANATION OF PROPOSED ADJUSTMENTS
NO	REVENUES	FY21	REV 03	AMENDED BUDGET	
305	Business and Occupation Tax	12,510,000	(695,000)	11,815,000	To increase full year reduction by 5% to 15% based on June 30th collections and remaining uncertainty regarding COVID-19, WVU plans, and other business impacts
326	Building Permit Fees	200,000	(50,000)	150,000	To reduce full year fees by 25% based on June 30th collections being sharply lower
341	Municipal Service Fees	4,140,000	(140,000)	4,000,000	To increase full year reduction to approximately 13% due to unemployment and continued uncertainty
365	Federal Government Grants	395,900	3,560,000	3,955,900	To increase for CARES Act reimbursements received from the State of WV for COVID-19 response and related expenditures
			2,675,000		
ACCT		BUDGET	PROPOSED	PROPOSED	EXPLANATION OF PROPOSED ADJUSTMENTS
NO	EXPENDITURES	FY21	REV 03	AMENDED BUDGET	
699	Contingency	3,513,373	360,181	3,873,554	To increase to 10% of the General Fund budget maximum allowed by State Code
444	Contribution to Financial Stabilization Fund	-	2,294,569	2,294,569	To increase total funding in the Financial Stabilization Fund to approximately \$3.36M for future financial needs from COVID-19 impact and/or other approved needs
444	Contribution to Capital Escrow Fund	3,315,210	20,250	3,335,460	To support a landlord incentive program geared at housing individuals experiencing homelessness
			2,675,000		

AN ORDINANCE ANNEXING PROPERTY OF THE MONONGALIA COUNTY BOARD OF EDUCATION IN MORGAN DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN

WHEREAS, West Virginia Code section 8-6-4 permits a municipality to order annexation of additional territory by ordinance without a vote if a majority of freeholders and qualified voters petition for such annexation; and

WHEREAS, all freeholders and qualified voters in the territory subject of the attached “Petition for Annexation,” which is incorporated into this Ordinance by reference, have petitioned for annexation; and

WHEREAS, the City has enumerated and verified the total number of eligible petitioners and is satisfied that the petition is sufficient in every respect and that the territory to be annexed is contiguous to the current municipal boundaries;

NOW, THEREFORE, the City of Morgantown hereby ordains as follows:

- (1) That the territory described in the Petition for Annexation, being Parcels 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9, 15.10, of Tax Map Number 1 in Morgan District, Monongalia County, West Virginia, or the property comprising such area currently or formerly assessed as such identified parcels, as more fully described in the Petition for Annexation and exhibit thereto, shall be annexed into the City of Morgantown;
- (2) That the City Clerk is directed to enter upon the journal of the City the finding that the Petition for Annexation is sufficient in every respect and forward a certificate to that effect to the County Commission of Monongalia County, West Virginia, pursuant to *W. Va. Code* § 8-6-4(g), notifying the Commission that it shall enter an order as described in *W. Va. Code* § 8-6-3 describing the annexation of the additional territory to the corporate limits of the City of Morgantown.

This ordinance is effective upon adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:

PETITION FOR ANNEXATION

The undersigned, being the sole freeholders of the property situated within the area of proposed annexation, and being the sole qualified voter of the territory, hereby petitions the City Council of the City of Morgantown, West Virginia, to annex the territory described in this Petition and shown and described on the attached map or plat, as required by law, pursuant to West Virginia Code Chapter 8, Article 6, Section 4.

Owner	District	Tax Map No.	Parcel No.	Signature
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.1	
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.2	
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.2	
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.3	
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.4	
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.5	
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.6	
The Board of Education of the	Morgan	1	15.7	

County of Monongalia, West Virginia				<i>E.R. Campbell, Jr.</i>
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.8	<i>E.R. Campbell, Jr.</i>
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.9	<i>E.R. Campbell, Jr.</i>
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.10	<i>E.R. Campbell, Jr.</i>

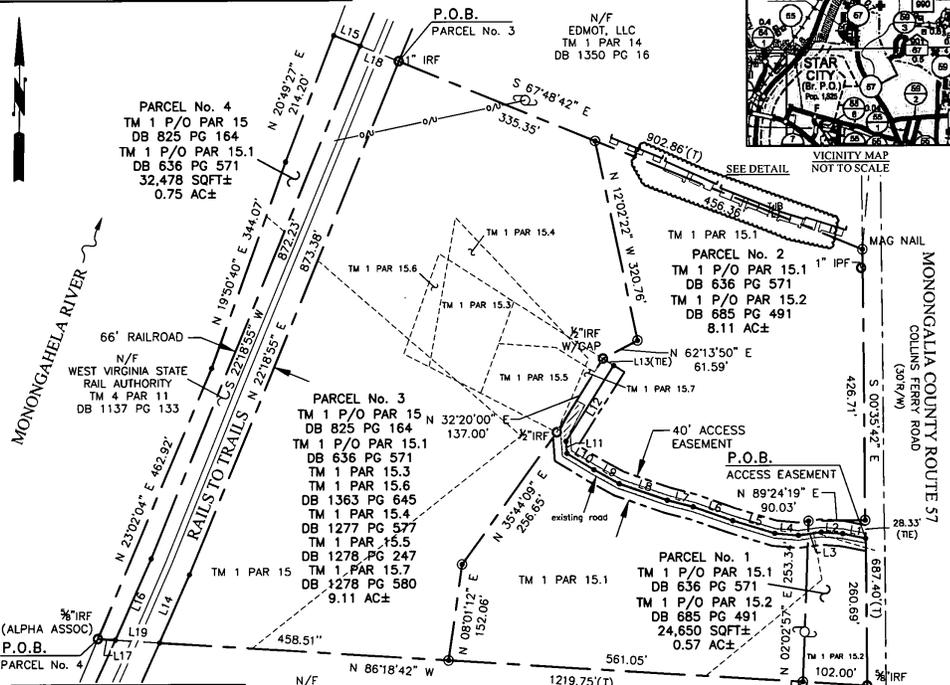
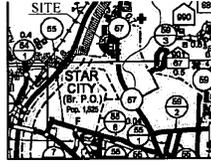
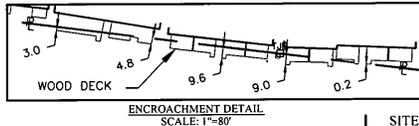
Dr. Eddie R. Campbell, Jr., Ed. D., the duly authorized representative of The Board of Education of the County of Monongalia, West Virginia, the sole freeholder of the parcels and sole qualified voter of the territory identified in the foregoing "Petition for Annexation," hereby petitions the City of Morgantown for annexation of the parcels and portions thereof identified in the table and attached exhibit.

E.R. Campbell, Jr.

 Dr. Eddie R. Campbell, Jr., Superintendent

VOL 1500 PAGE 800

NOTE: THE TRACTS SHOWN BEING PART OF THE SAME LANDS CONVEYED TO MOBILE HOMES PARK & SALES, INC. AS RECORDED IN DEED BOOK 636 PAGE 571, DEED BOOK 685 PAGE 491, DEED BOOK 825 PAGE 164 & DEED BOOK 1277 PAGE 577, WILLIAM W. MARSTILLER IN DEED BOOK 1278 PAGE 247 & DEED BOOK 1278 PAGE 580, AND WILLIAM W. & RACHEL L. MARSTILLER IN DEED BOOK 1363 PAGE 645 AT THE OFFICE OF THE CLERK, MONONGALIA COUNTY, WEST VIRGINIA.



LINE	BEARING	DISTANCE
L1	N 78°22'59" W	36.95'
L2	N 85°45'41" W	34.07'
L3	S 82°13'58" W	36.39'
L4	N 84°53'35" W	37.76'
L5	N 73°01'25" W	69.48'
L6	N 70°33'12" W	65.85'
L7	N 75°29'34" W	42.31'
L8	N 70°55'37" W	80.55'
L9	N 61°02'47" W	45.52'
L10	N 58°34'11" W	50.07'
L11	N 04°36'48" W	19.25'
L12	N 32°20'00" E	141.31'
L13	S 57°40'00" E	20.00'(TIE)
L14	N 24°02'39" E	116.33'
L15	S 67°48'42" E	45.15'
L16	S 24°02'39" E	139.82'
L17	N 86°18'42" W	27.79'
L18	S 67°48'42" E	66.00'(TIE)
L19	N 86°18'42" W	70.40'(TIE)

N/F
MOBILE HOMES PARK & SALES, INC.
TM 1 PAR 15
DB 825 PG 164
TM 1 PAR 15.1
DB 636 PG 571
TM 1 PAR 15.2
DB 685 PG 491
TM 1 PAR 15.4
DB 1277 PG 577

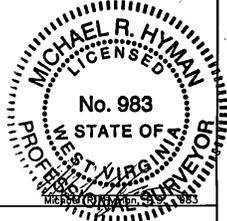
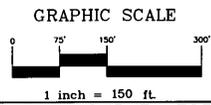
N/F
WILLIAM W. & RACHEL L. MARSTILLER
TM 1 PAR 15.3
TM 1 PAR 15.6
DB 1363 PG 645

N/F
WILLIAM W. MARSTILLER
TM 1 PAR 15.5
DB 1278 PG 247
TM 1 PAR 15.7
DB 1278 PG 580

NOTE: THIS SURVEY WAS CONDUCTED WITHOUT BENEFIT OF A LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL EXCEPTIONS, RIGHT-OF-WAYS, EASEMENTS OR RESTRICTIONS

THIS SURVEY IS NOT VALID WITHOUT ORIGINAL BLUE SIGNATURE AND SEAL DECLARATIONS MADE HEREIN ON THE DATE INDICATED ARE TO THE OWNERS(S) OR BUYER(S) LISTED BELOW AND ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS OR BUYERS.

- LEGEND/ABBREVIATIONS
- PL = PROPERTY LINE
 - TL = TELEPHONE LINE
 - PT = POINT
 - MF = MONUMENT FOUND (AS NOTED)
 - (T) = TOTAL
 - R/W = RIGHT-OF-WAY
 - P.O.B. = POINT OF BEGINNING
 - TM = TAX MAP NUMBER
 - PAR = PARCEL NUMBER
 - P/O = PART OF
 - N/F = NOW OR FORMERLY
 - IRF = REBAR FOUND (size as noted)
 - (S 45° 45' E 100.0') = DEED BEARING & DISTANCE



PLAT OF SURVEY FOR
MONONGALIA COUNTY BOARD OF EDUCATION

MISC. INFO: BEARINGS BASED ON WEST VIRGINIA STATE PLANE NORTH ZONE, NAD 83

⊙ = 3/4" x 30" REBAR SET

THRASHER
THE THRASHER GROUP, INC.
600 WHITE OAKS BLVD.
BRIDGEPORT, WV 26330
PHONE 304-624-4108

TAX MAP	1
PARCEL No.	15, 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7
JOB. No.	050-5114
OWNER:	MOBILE HOMES PARK & SALES, INC. & WILLIAM W. MARSTILLER
REFERENCE:	DB 636 PG 571, DB 685 PG 491, DB 825 PG 164, DB 1277 PG 577, DB 1363 PG 645, DB 1278 PG 247, DB 1278 PG 580

SHOWING
PROPOSED CONVEYANCE OF PROPERTY
of the
ALONG MONONGALIA COUNTY ROUTE 57 COLLINS FERRY ROAD
SITUATE
MORGAN DISTRICT
MONONGALIA COUNTY
WEST VIRGINIA

SCALE: 1" = 150'

JUNE 2014

LAYOUT TAB: Layout1
CAD FILE: R:\050-5114 - Bowles, Rice, McDavid, Groff & Love
DRAWN: CI
SURVEY: FB
BK: OAK

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AN ORDINANCE ANNEXING PROPERTY OF MORGANTOWN COMMUNITY RESOURCES, INC. IN CLINTON DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN

WHEREAS, West Virginia Code section 8-6-4 permits a municipality to order annexation of additional territory by ordinance without a vote if a majority of freeholders and qualified voters petition for such annexation; and

WHEREAS, all freeholders and qualified voters in the territory subject of the attached “Petition for Annexation,” which is incorporated into this Ordinance by reference, have petitioned for annexation; and

WHEREAS, the City has enumerated and verified the total number of eligible petitioners and is satisfied that the petition is sufficient in every respect and that the territory to be annexed is contiguous to the current municipal boundaries;

NOW, THEREFORE, the City of Morgantown hereby ordains as follows:

- (1) That the territory described in the Petition for Annexation, being Parcel 8.2 of Tax Map Number 4 in Clinton District, Monongalia County, West Virginia, or the property comprising such area currently or formerly assessed as such identified parcel, as more fully described in the Petition for Annexation and exhibit thereto, shall be annexed into the City of Morgantown;
- (2) That the City Clerk is directed to enter upon the journal of the City the finding that the Petition for Annexation is sufficient in every respect and forward a certificate to that effect to the County Commission of Monongalia County, West Virginia, pursuant to *W. Va. Code* § 8-6-4(g), notifying the Commission that it shall enter an order as described in *W. Va. Code* § 8-6-3 describing the annexation of the additional territory to the corporate limits of the City of Morgantown.

This ordinance is effective upon adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:

PETITION FOR ANNEXATION

The undersigned, Robert J. O’Neil, being the President of Morgantown Community Resources, Inc., a West Virginia non-profit corporation (the “Corporation”), and the Corporation being the sole freeholder within the area of proposed annexation, hereby petitions the City Council of the City of Morgantown, West Virginia, to annex the lot, parcel, area or territory being described on Exhibit A attached hereto and incorporated herein by this reference and being shown and depicted on Exhibit B attached hereto and incorporated herein by this reference, as required by law, pursuant to West Virginia Code Chapter 8, Article 6, Section 4.

<u>Owner</u>	<u>District</u>	<u>Tax Map No.</u>	<u>Parcel No.</u>	<u>Signature</u>
Morgantown Community Resources, Inc.	Clinton	4	8.2	<i>Robert J. O'Neil</i>

Morgantown Community Resources, Inc.
a West Virginia nonprofit corporation

By: *Robert J. O'Neil*
Robert J. O’Neil, its President

**EXHIBIT A
TO
PETITION FOR ANNEXATION**

Legal Description

All of the following described lot or parcel of real estate, together with all rights, privileges, improvements, rights-of-way and appurtenances thereunto belonging or in anywise appertaining, situate in Clinton District, Monongalia County, West Virginia, and being more particularly described as follows:

Beginning at a fence post in the outline of the tract of land herein and hereby conveyed, and which said fence post is S. 0° 50' E. 207.4 feet, more or less, from a fence post located in the original outline of the 173.64 acre tract of land of which the subject tract is a part and a common corner to property formerly owned by Clarabelle Cook, Leonard S. Walker and wife and Ledrew L. Harner and wife, said corner being further established as being N. 74° 39' W. 347.5 feet from the old Western right-of-way line of U.S. Route 119 (1971), and running thence from said beginning point, being the first fence post above mentioned, as thus established, S. 61° 39' 24" E. 128.28 feet, more or less, to the new right-of-way line of U.S. Route No. 119; thence with two lines of the Western right-of-way line of U.S. Route No. 119, S. 09° 52' 03" W. 70.09 feet; thence S. 05° 47' 11" E. 198.19 feet; thence leaving said right-of-way line and running with eight (8) lines of other lands of the Grantor herein, which said eight (8) lines border on the right-of-way of a public roadway to be constructed by the Grantor herein, as follows: S. 51° 35' 25" W. 89.33 feet to a point; S. 35° 27' 48" W. 134.44 feet to a point; S. 59° 29' 23" W. 130.00 feet to a point; S. 80° 7' 8" W. 157.33 feet to a point; N. 87° 30' 37" W. 115.08 feet to a point; N. 57° 53' 37" W. 120.43 feet to a point; N. 4° 48' 43" W. 542.4 feet to a point in the Southern side of a proposed secondary public access road; thence with the Southern line of said roadway, N. 88° 20' 23" E. 379.68 feet, thence continuing with said roadway, S. 80° 49' 36" E. 163.09 feet to a point in said roadway; thence leaving said roadway and continuing with other lands of the Grantor herein, S. 28° 14' 58" E. 139.70 feet to the point and place of beginning, containing 9.926 acres, more or less.

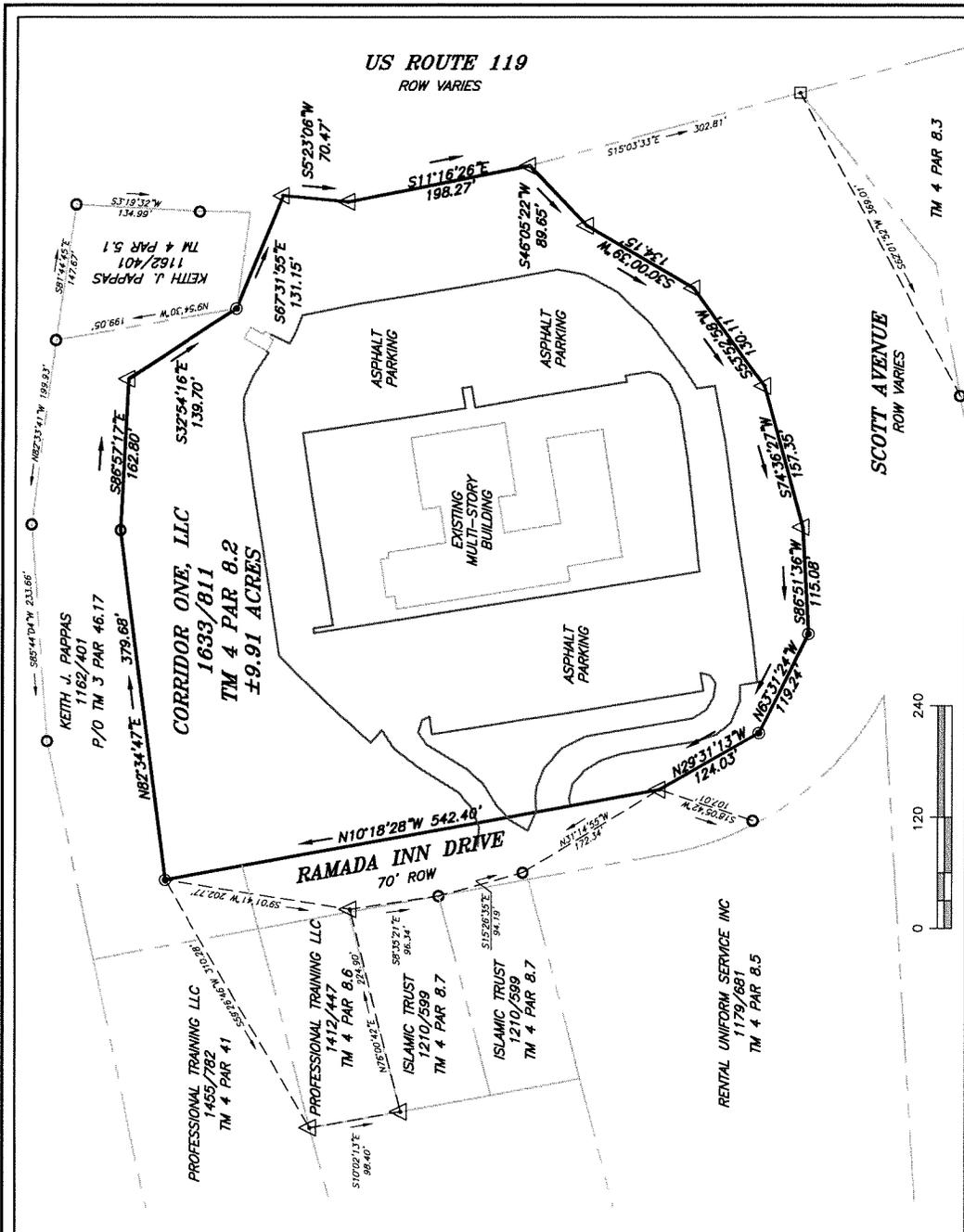
Together therewith and as appurtenant to the real estate hereinabove described, a right of way and easement over and across the public roadway and the secondary public access roadway referred to in the above description, and which said roadways extend through the other real estate now or formerly owned by Wesco Equipment, Inc. to U.S. Route No. 119.

Together therewith and as appurtenant to the real estate hereinabove described, a right of way and easement as set forth in that certain Easement Agreement between Wesco Equipment, Inc. and Robert H. Mollohan and W. L. Doepken dated August 16, 1973, of record in Deed Book 739, at page 552.

The above described being the same real estate conveyed from 20 Scott Avenue, LLC, a West Virginia limited liability company, to Morgantown Community Resources, Inc., a West Virginia non-profit corporation, by Confirmatory Deed dated June 20, 2019, made effective June 21, 2019 and recorded in the Office of the Clerk of the County Commission of Monongalia County, West Virginia in Deed Book 1674, Page 323.

**EXHIBIT B
TO
PETITION FOR ANNEXATION**

Plat



LEGEND:
 ● 5/8" REBAR W/PLASTIC CAP SET
 ○ 1/2" REBAR FOUND
 △ 5/8" REBAR FOUND
 □ FENCE POST FOUND
 - - - SURVEY TIE LINE
 - - - ADJOINING PROPERTY LINE

NOTES:
 1. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL EXCEPTIONS, RIGHT-OF-WAYS, EASEMENTS OR RESTRICTIONS.
 2. SEE PLAT OF SURVEY MADE FOR KEITH J PAPPAS PROPERTY BEING CONVEYED TO MICHAEL ANDERSON, BY CTI ENGINEERING, DATED 03/13/2012, RECORDED IN DEED BOOK 1455 AT PAGE 705.
 3. SEE PLAT OF SURVEY OF VISTA DEL RIO, DATED JUNE 5, 1970, BY PAUL W. GUSEMAN, PS No. 185, RECORDED IN PLAT CABINET 2 AT SLIDE 303-A.

Project: **PLAT OF SURVEY SHOWING THE RAMADA INN PROPERTY CLINTON DIST, MON. Co, WV**
 Scale 1"=120'
 Date 08/10/18
 Dwg. No. **BOUNDARY**

POTESTA & ASSOCIATES, INC.
 ENGINEERS AND ENVIRONMENTAL CONSULTANTS
 7012 MacCombe Ave. SE, Charleston, WV 25304
 TEL: (804) 342-1400 FAX: (304) 843-9081
 E-Mail Address: potesta@potesta.com



PROJECT #: 102-18-0248 FILENAME: RAMADA 18
 VICTOR M. DAWSON PS 856
 Victor M. Dawson (Signature)

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE

WHEREAS, Various ordinances of a general and permanent nature have been passed by Council which should be included in the City Code;

WHEREAS, the City has heretofore entered into a contract with Municode to prepare and publish such revision which is before Council; now, therefore,

THE CITY OF MORGANTOWN HEREBY ORDAINS:

Section 1. That the ordinances of the City of Morgantown, West Virginia, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, chapters, articles and sections within the 2020 Replacement Pages to the City Code are hereby approved and adopted.

Section 2. That this Ordinance shall be effective from the date of its adoption.

FIRST READING:

ADOPTED:

FILED:

RECORDED:

MAYOR

CITY CLERK

**AN ORDINANCE AMENDING ARTICLE 169
AUTHORIZING ACQUISITION OF REAL ESTATE
BY THE CITY'S UTILITY BOARD**

The City of Morgantown hereby ordains that Article 169 is amended as follows:

169.03 POWERS AND DUTIES.

(a) The Board shall have full and complete supervision, management and control of the waterworks system, the sewerage system and the stormwater system, including the maintenance, operations, improvements and extension thereof, all of which shall be combined as a single system under Chapter 8, Article 20 of the West Virginia Code of 1931, as amended (the "system").

(b) All bills for water, sewer and stormwater service shall be collected and accounted for by the Board in the manner and form required by law, the Public Service Commission and/or the ordinances of the City, and all disbursements and accounts of the system shall be ordered paid out only upon approval of such Board; provided however, that all such supervision, management and control of the systems and the collection and accounting for bills for water, sewer and stormwater service shall be consistent and in accordance with any ordinance pursuant to which the City may have authorized and issued any bonds from time to time outstanding, which by their terms are payable from and secured by the revenues of the system.

(c) The Board shall have the power and authority to make all contracts, agreements and other matters necessary or proper for the full complete supervision, management and control of the system.

(d) The Board may acquire, transfer, or otherwise encumber real estate, or interests therein, upon adoption of an ordinance of the City Council in accordance with the provisions of West Virginia Code Chapter 8, Article 11, and upon such terms and conditions as the City Council may require by such ordinances; provided that, in accordance with the provisions of West Virginia Code Chapter 8, Article 20, Section 2, and Chapter 8, Article 16, Section 8, real estate, or interests therein, may only be acquired pursuant to eminent domain proceedings by The City of Morgantown and such eminent domain proceedings shall not be undertaken by the Board.

By adoption of this ordinance, all prior acquisitions of real property for the combined utility system by either The City of Morgantown or the Board are ratified and approved.

This ordinance is effective upon adoption.

FIRST READING: _____

SECOND READING: _____

ADOPTED: _____

FILED: _____

Mayor

City Clerk



The City of Morgantown

430 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
OFFICE: (304) 284-7405 FAX: (304) 284-7430
www.morgantownwv.gov

Office of the City Manager

City Manager's Report for City Council Meeting on September 15, 2020

Information:

A. 2020 Census Update

The time to complete the 2020 Census is running out. All area census offices will complete their work by September 30, 2020, which is just a couple weeks away! Participating in the census is required by law. A complete and accurate count is critical for Morgantown because the results of the Census will affect our community's funding, congressional representation, and more.

As seen in the included charts, Mon County's self-response rate is at 60.4%, while Morgantown's self-response rate is only at 49.1%. These are only the self-response rates. We will not be able to see the data for combined response (self-response plus the Non-Response Follow Up (NRFU) numbers) at the local level, however. The lowest response rate areas are still showing in student housing and Group Quarters locations, which WVU has turned those in but they don't get reflected in our responses yet.

Also attached is a recent Non-Response Follow Up (NRFU) chart which shows the combined survey response numbers at the state level. The good news is that West Virginia remains second in the nation with a 97.7% total response rate – this is largely due to the level of effort census workers have put in going door-to-door to those who didn't self-respond.

There have been numerous complaints regarding repeat visits from Census Takers/Enumerators. This is due to the computer algorithm Census workers are working off of. Each day they get a new list of residences to contact, and as they get down to the final numbers, workers are being sent repeatedly to those left on the list. They are also being sent to double check information, which adds to the confusion.

Transient populations/those living in temporary quarters such as motels, campgrounds, etc. are currently being counted and those folks experiencing homelessness will be counted the week of September 21st. Area soup kitchens and homeless service agencies have been contacted and helping to make arrangements and assisting with getting responses in.

If you have not done so already, please complete your census today at 2020census.gov!

New Business:

A. Trick-or-Treating during the COVID Pandemic

While the coronavirus pandemic has interrupted many of our annual traditions and canceled any exciting plans we may have had, most of us are getting used to our new normal and are learning how to adapt normal life in order to prevent community spread of the virus. As the weather gets chilly and the leaves begin to turn, this is the time of year when many of us think about Halloween and Trick-or-Treating. But is trick-or-treating in 2020 even safe?

The short answer is “Yes – be smart about it and Trick-or-Treating can be safe.” Compared to the activities of Halloweens past, like house parties or school dances, trick-or-treating brings a lesser COVID-19 risk for families to manage. The Mon County Health Department provided guidance to the City that Trick-or-Treating can be done with little risk of community spread if done properly.

There are a few safety precautions you'll want to take:

- Don't trick-or-treat if you feel sick
- Stay outside and keep it moving
- Stay in your own neighborhood
- Keep groups small
- Wear a cloth mask – make it fun!
- Give others space when passing
- Space candy out on a table as opposed to using a bowl
- Wash or sanitize your hands before eating candy
- Remember, if you don't want to participate, keep your lights

I am recommending that the City Council consider approval of moving forward with allowing Trick-or-Treating to occur with certain safety guidelines in place. I am suggesting that this occur on Saturday October 31st from 6pm – 8pm.

Emily Muzzarelli, PE
Interim City Manager, Morgantown, WV

Self-Response by Census Tract

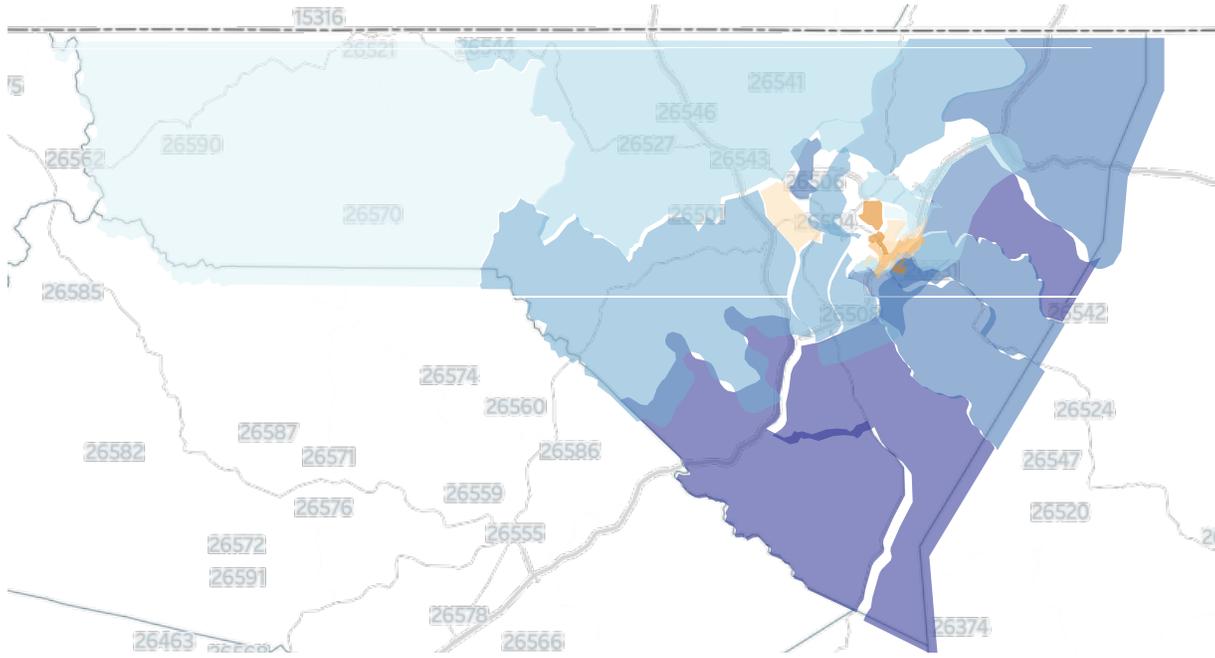
This map features self-response rates from households that responded to the 2020 Census online, by mail, or by phone. Rates can be viewed in [rankings here](#).

Monongalia, West Virginia
Self-Response

60.4%

Tract 101.01
Self-Response

24.3%



Tract 101.01, Monongalia Self-Response Rate



Email us at responseratemap@census.gov
Responses received as of 9/8/2020.
[Click here for technical details](#)



Select Mode
Total

Select State
West Virginia

Select County
Monongalia

Geographies

Return to State

County

Census Tract

City

Congressional District

Town and Township

Tribal Area



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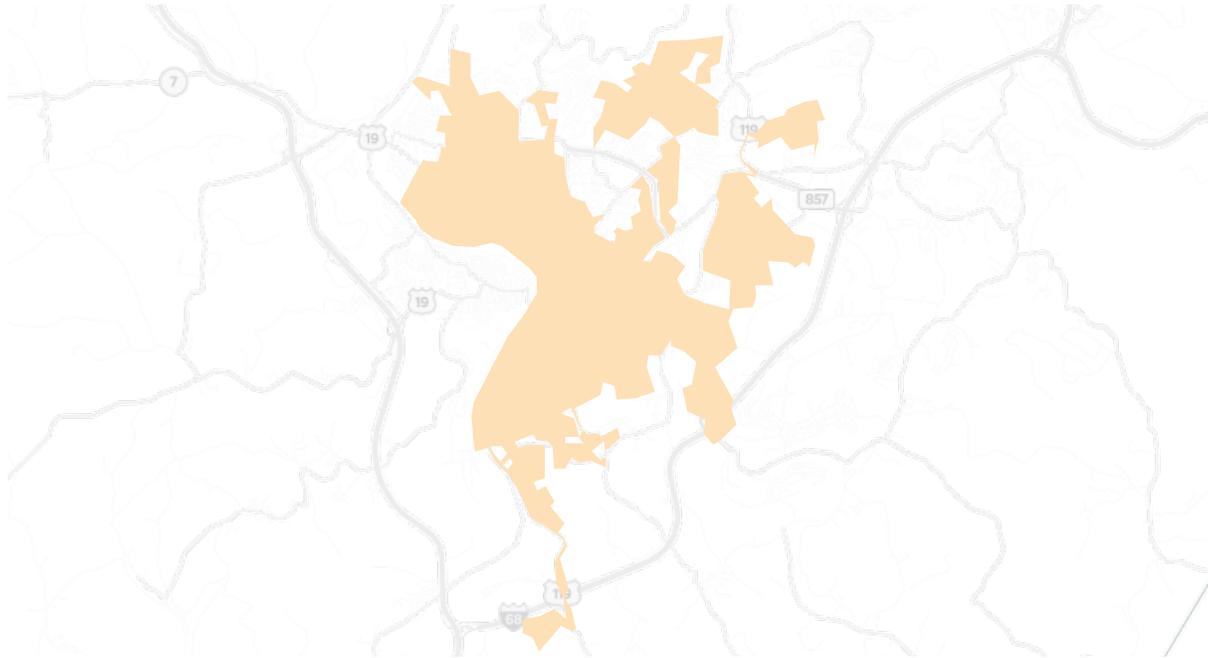
United States[®]
Census 2020

Self-Response by City

This map features self-response rates from households that responded to the 2020 Census online, by mail, or by phone. Rates can be viewed in [rankings here](#).

West Virginia
Self-Response
55.8%

Morgantown
Self-Response
49.1%



Morgantown, West Virginia Self-Response Rate



Email us at responseratemap@census.gov
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[Click here for technical details](#)



Select Mode
Total

Select State
West Virginia

Select City
Morgantown

Geographies

Return to State

County

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Operational Updates



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Census 2020

2020 Census Housing Unit Enumeration Progress by State

Sort by: Enumerated

Report Date: 9/9/2020 As of 9/8/2020, percentage of housing units:				
State	Self-Responded	Enumerated in Nonresponse Followup (NRFU)	Enumerated	
U.S. Total	65.5	23.3	88.8	0
Idaho	68.8	29.7	98.5	0
West Virginia	55.8	41.9	97.7	0
Washington	71.5	25.0	96.5	0
Hawaii	62.0	34.2	96.1	0
Kansas	69.0	26.6	95.6	0
Maine	57.5	38.0	95.4	0
Wisconsin	71.5	23.8	95.3	0
Oregon	68.3	27.0	95.2	0
Indiana	69.5	25.7	95.1	0
Connecticut	69.6	25.2	94.7	0
Minnesota	74.3	19.3	93.6	0
Illinois	70.1	22.7	92.8	0
Missouri	65.0	27.7	92.7	0
Arkansas	59.8	32.5	92.3	0
Vermont	59.5	32.7	92.2	0
California	67.9	24.1	92.1	0
Massachusetts	68.0	24.1	92.0	0
Utah	70.0	21.7	91.7	0
Maryland	69.8	21.5	91.3	0
Alaska	53.3	37.9	91.2	0
Ohio	69.6	21.6	91.2	0
Pennsylvania	68.2	22.9	91.2	0
Nebraska	70.9	19.5	90.4	0
New Hampshire	65.8	24.4	90.2	0
Rhode Island	63.7	26.3	90.0	0
Virginia	70.0	19.8	89.8	0
North Dakota	64.3	25.4	89.7	0
Tennessee	64.8	24.9	89.7	0
Colorado	68.8	20.5	89.4	0
Michigan	70.4	18.4	88.7	0
New Jersey	67.8	20.8	88.5	0
New York	62.0	26.0	88.0	0
Nevada	65.1	22.7	87.8	0
Puerto Rico	33.8	53.9	87.6	0
South Dakota	66.1	21.2	87.4	0
Texas	61.1	25.7	86.8	0
Kentucky	67.4	19.2	86.7	0
District of Columbia	62.0	24.5	86.5	0
Delaware	63.3	23.2	86.4	0

Note: Percentages may not sum due to rounding. A limited number of areas were part of the NRFU "soft launch" beginning July 16, 2020, and could have higher completion rates due to more time in the field. Percentages for the U.S. Total do not include housing units in Puerto Rico.

Source: U.S. Census Bureau.

